IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4530 OF 2007
a/w
WRIT PETITION NOS. 4532 TO 4534, 4540, 4541 & 4942 OF 2007.

Karan Daulatsingh Madan & Ors... ....Petitioners.
V/s
Rajlaxmi Urban Coop. Bank Ltd. Nashik & Ors... ....Respondents.

Mr.P.N.Joshi, Adv. for the petitioners.

Mr.D.S.Mhaispurkar, AGP for respondent Nos. 2 and 3.

CORAM: A.P. DESHPANDE, J.
3.7.2007

PC:

The respondent is an Urban Cooperative Bank who had advanced loan to the present petitioners. As the petitioners have defaulted in repayment of loan the respondent-bank initiated proceedings under section 101 of the Maharashtra Cooperative Societies Act. After the petitioners received a notice from the Assistant Registrar they have filed a dispute before the Cooperative Court purportedly under section 91 of the Cooperative Societies Act. The reliefs claimed therein :

(a) It be declared that the defendant has no right to recover amount from plaintiff without redemption of mortgage and following due process of law.

(b) It be declared that defendant, has violated RBI direction and Law regasrding interest and charging excess interest without authority.

(c) Defendant be directed to correct loan account as aforesaid.

The present petitioners after filing dispute before the Cooperative Court

objected to the proceedings on the file of Assistant Registrar. The Assistant Registrar accepted the objection raised by present petitioners and observed that as the dispute is pending with the Cooperative Court, after decision of the said dispute and other representations made by the petitioners the proceedings could be taken further. So observing the proceedings came to be closed. Aggrieved by the order passed by the Assistant Registrar under section 101 the respondent-bank filed revision before the Divisional Joint Registrar. The Divisional Joint Registrar allowed the revision and directed the Assistant Registrar to proceed with the inquiry as contemplated by section 101 and pass final order. Aggrieved by revisional order present writ petitions are filed. The proceedings under section 101 are summary in nature and the said proceedings are not subject to outcome of dispute pending on the file of the Cooperative Court under section 91 of the Act. Perused the order. Same does not suffer from any infirmity or illegality. Hence all the above writ petitions are summarily dismissed.

3.7.07.